

Interim Decision #2006

MATTER OF TACA INTERNATIONAL AIRLINES PLANE "FLIGHT 110"

In Fine Proceedings

NOL-10/61.335

Decided by Board September 30, 1969

Liability to fine for failure to prevent the unlawful landing of an alien lies under section 271(a), Immigration and Nationality Act, where the airline failed to present, as directed, an alien passenger returned to its custody for deferred inspection. Mitigation of the \$1,000 imposed fine beyond the extent of \$300 is not warranted since no precautions were taken to prevent the illegal entry of the alien who was permitted to proceed to a hotel of his own designation without further safeguards.

IN RE: TACA INTERNATIONAL AIRLINES PLANE "FLIGHT 110" which arrived at the port of New Orleans, La., from Honduras, on March 16, 1969. Alien passenger involved: Jose Omar Quijana Rodriguez.

BASIS FOR FINE: Act of 1952—Section 271(a) [8 U.S.C. 1321].

ON BEHALF OF APPELLANT: Peter J. Messina, Station Mgr.
Taca International Airlines, SA
P. O. Box 428
Kenner, Louisiana 70062

This matter is before us on appeal from a decision of the District Director at New Orleans, Louisiana, dated June 24, 1969, directing that a fine in the amount of \$700, \$1,000 mitigated to the extent of \$300, be imposed on Taca International Airlines, SA, as owners of the above-described aircraft, for failure to deliver the above-named alien passenger for immigration examination, as ordered.

The material facts of this matter are not disputed between the parties and, indeed, an independent review of the record reveals no basis for a factual dispute. The carrier brought the person named above, a Colombian national, to the United States as a passenger at the time, place and in the manner described above. He presented a Colombian passport and a nonimmigrant visa issued to him on February 25, 1969, by the American consulate,